UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,260	08/28/2001	Pierre Costa	8285/448	6291

757	7590	04/11/2005	**EXAMINER**

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER
AN, SHAWN S

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 February 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>10-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>10-16</u> is/are allowed.

6)☒ Claim(s) <u>17 and 18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>10/25, 12/20/04</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   As per Applicants' instruction as filed on 1/03/05, claims 1-9 and 19 have been canceled, and claim 17 bas been amended.

Response to Remarks

2.   Applicants' argument with respect to amended claim 17 has been carefully considered but are moot in view of the new ground(s) of rejection incorporating the previously cited prior art reference.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Haskell et al (5,159,447).

Regarding claim 17, Haskell et al discloses a system for reconstructing an image sequence encoded in a VBR representation comprising blocks of information defining time intervals Tp (Fig. 5; Pack, P(i+1)1, in Stream e) in which number of blocks of information per unit time is greater than baseline (R(i)), and Tn (T/4) in which number of blocks of information per unit time is less (Packs, Pi1, Pi2, Pi3, Pi4, in Stream d) than the baseline, the system comprising:

A receiver (Fig. 1, 45; Fig. 3, 205-N, 208N) for receiving a second representation of the image sequence via the communication network, the second representation

comprising a header with data (header data) indicating time intervals Tn (tau =(i-1)T, wherein i=packet(s)) (Fig. 5, col. 13, lines 21-44);

A buffer (40; 205N);

A processor (50; 208N) responsive to the receiver to extract the data indicating the time intervals Tn from the header, and to reconstruct frames of image sequence concurrently with the representation being received, wherein the reconstruction is based on the data indicating time intervals Tn (Fig. 5, col. 13, lines 21-44);

Wherein during the time interval Tn, the processor reconstructs frames of the image sequence based on blocks of information Bn received about in real time (col. 11, lines 25-28), and to store the blocks of information Bp in the buffer (40; 205N); and

Wherein during the time interval Tp, the processor reconstructs frames of the image sequence based on blocks of information Bp stored in the buffer (40; 205N) and blocks of information received about in real time (Fig. 5, see decoded access units in pack i).

Regarding claim 18, Haskell et al discloses the number of blocks of information per unit time in the second representation is about equal to the baseline value in the time intends Tp and Tn (Fig. 5, Pi1, wherein tau =(i-1)T, wherein i=packet(s)).

Allowable Subject Matter

5.   Claims 10-16 are allowed.

6.   The following is an examiner's statement of reasons for allowance:

claims 10-16 recite novel features of a system, comprising:

an encoder to provide a VBR representation of an image sequence, the VBR representation comprisingt a plurality of block information; and

a processor to determine a plurality of time intervals Tp within the VBR representation in which a number of blocks of information per unit time is greater than a baseline value to determine a plurality of time intervals Tn within the VBR representation in which a number of blocks of information per unit time is less than the baseline value; and to create a second representation of the image sequence in which

some blocks of information Bp are removed from the time interval Tp and interlaced with blocks of information Bn in the time intervals Tn to reduce a variation in a number of blocks of information per unit time between the time intervals Tp and Tn.

The art of record fails to anticipate or make obvious the novel features as specified in these claims.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The Examiner can normally be reached on Flex hours (10).

9.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SHAWN AN
PRIMARY EXAMINER

4/7/05